

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:18-CR-0076-DGK
)
)
MARK PERKINS,)
)
Defendant.)

**ORDER ADOPTING THE MAGISTRATE'S REPORT AND RECOMMENDATION
DENYING MOTION TO DISMISS INDICTMENT**

Pending before the Court are Defendant Mark Perkins' "Motion to Dismiss Indictment," ECF No. 32; United States Magistrate Judge W. Brian Gaddy's "Report and Recommendation" recommending the Court deny the motion, ECF No. 41; and Defendant's "Objections to Report and Recommendation," ECF No. 43.

After reviewing the report and conducting an independent review of the applicable law and record, *see* L.R. 74.1(a)(2), the Court agrees with the Magistrate's conclusion that Eighth Circuit caselaw holds the indictment sufficiently charges the offense of being a felon in possession of a firearm. *See United States v. Jawher*, 950 F.3d 576, 579 n.2 (8th Cir. 2020); *United States v. Caudle*, 968 F.3d 916, 921 n.2 (citing *Jawher*).

The Court ADOPTS the Report and Recommendation and DENIES the motion.

IT IS SO ORDERED.

Date: January 28, 2022

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT